



Reprinted
February 24, 2016

ENGROSSED HOUSE BILL No. 1130

DIGEST OF HB 1130 (Updated February 23, 2016 2:17 pm - DI 123)

Citations Affected: IC 5-2; IC 9-30.

Synopsis: Ignition interlock devices. Requires the criminal justice institute (institute) to adopt rules concerning service centers and ignition interlock devices. Specifies that certain fees relating to ignition interlock devices shall be paid by the service center, provider, or vendor, deposited in an account administered by the Indiana criminal justice institute, and used to defray the expense of testing and inspecting ignition interlock devices. Requires the institute and the bureau of motor vehicles to enter into a memorandum of understanding regarding ignition interlock devices.

Effective: July 1, 2016.

Wesco, Forestal

(SENATE SPONSORS — KRUSE, STEELE, RANDOLPH LONNIE M,
BRODEN)

January 7, 2016, read first time and referred to Committee on Roads and Transportation.
January 28, 2016, amended, reported — Do Pass.
February 2, 2016, read second time, amended, ordered engrossed.
February 3, 2016, engrossed. Read third time, passed. Yeas 95, nays 2.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Judiciary.
February 18, 2016, amended, reported favorably — Do Pass.
February 23, 2016, read second time, amended, ordered engrossed.

EH 1130—LS 6780/DI 96



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Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1130

A BILL FOR AN ACT to amend the Indiana Code concerning
motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.213-2015,
- 2 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2016]: Sec. 3. The institute is established to do the following:
- 4 (1) Evaluate state and local programs associated with:
- 5 (A) the prevention, detection, and solution of criminal
- 6 offenses;
- 7 (B) law enforcement; and
- 8 (C) the administration of criminal and juvenile justice.
- 9 (2) Improve and coordinate all aspects of law enforcement,
- 10 juvenile justice, and criminal justice in this state.
- 11 (3) Stimulate criminal and juvenile justice research.
- 12 (4) Develop new methods for the prevention and reduction of
- 13 crime.
- 14 (5) Prepare applications for funds under the Omnibus Act and the
- 15 Juvenile Justice Act.
- 16 (6) Administer victim and witness assistance funds.
- 17 (7) Administer the traffic safety functions assigned to the institute

EH 1130—LS 6780/DI 96



under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(14) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(15) Administer any sexual offense services.

(16) Administer domestic violence programs.

(17) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(18) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(19) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(20) In conjunction with the division of mental health and addiction, establish the Indiana technical assistance center for crisis intervention teams under IC 5-2-21.2.

(21) Monitor and evaluate criminal code reform under IC 5-2-6-24.

(22) Administer the enhanced enforcement drug mitigation area fund and pilot program established under IC 5-2-11.5.

(23) Administer the ignition interlock inspection account established under IC 9-30-8-7.

SECTION 2. IC 9-30-8-3, AS AMENDED BY P.L.217-2014, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The director of the state department of toxicology, based on the recommendation of the governor's council on impaired and dangerous driving, shall adopt rules under IC 4-22-2 to establish standards and specifications for a certified



1 ignition interlock device. The standards and specifications must require
2 at a minimum that the device meets the following requirements:

- 3 (1) Is accurate.
- 4 (2) Does not impede the safe operation of a vehicle.
- 5 (3) Provides a minimum opportunity to be bypassed.
- 6 (4) Shows evidence of tampering if tampering is attempted.
- 7 (5) Has a label affixed warning a person that tampering with or
- 8 misusing the device is a crime and may subject that person to
- 9 criminal and civil penalties.
- 10 (6) Provides the ability to accurately identify the user.

11 (b) After July 1, 2015, all ignition interlock devices used in Indiana
12 must be certified under rules adopted by the state department of
13 toxicology.

14 (c) A vendor or provider may submit an application for approval of
15 an ignition interlock device in a form prescribed by the director of the
16 state department of toxicology.

17 ~~(d) The director of the state department of toxicology shall:~~

18 ~~(1) have tests conducted concerning the~~ **If testing is required to**
19 **determine whether an** ignition interlock device **complies** with
20 standards set forth by the state department of toxicology, **and**

21 ~~(2) have the results of the tests evaluated by a person or entity~~
22 ~~designated by the state department of toxicology.~~

23 ~~(e) The tests required under this section the testing~~ must be
24 performed by an independent laboratory designated by the state
25 department of toxicology. The vendor shall pay any testing expenses
26 under this section.

27 ~~(f) (e)~~ If the director of the state department of toxicology finds that
28 the ignition interlock device complies with the standards of the state
29 department of toxicology, the director may approve the ignition
30 interlock device as a certified ignition interlock device.

31 ~~(g) (f)~~ The director of the state department of toxicology shall
32 provide periodic reports to the governor's council on impaired and
33 dangerous driving, including, but not limited to:

- 34 (1) the number of ignition interlock devices certified by the state
35 department of toxicology;
- 36 (2) the number of ignition interlock devices currently installed in
37 Indiana; and
- 38 (3) the number of ignition interlock devices rejected by the state
39 department of toxicology.

40 ~~(h) (g)~~ The state department of toxicology shall consider all
41 recommendations made by the governor's council on impaired and
42 dangerous driving.



(h) The governor's council on impaired and dangerous driving shall meet once a year to:

- (1) evaluate reports submitted by the state department of toxicology;
- (2) evaluate and study ignition interlock issues;
- (3) make recommendations to the state department of toxicology; and
- (4) make recommendations to the general assembly in an electronic format under IC 5-14-6.

SECTION 3. IC 9-30-8-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 7. (a) This section applies after June 30, 2017.**

(b) The Indiana criminal justice institute shall adopt rules under IC 4-22-2 concerning the following:

- (1) Service center certification and inspection.**
- (2) Ignition interlock device technician certification.**
- (3) Installation of ignition interlock devices.**
- (4) Requirements for removing an ignition interlock device.**
- (5) Fees with respect to service centers and ignition interlock devices that do not exceed the cost of the program. Fees described in this subdivision shall be paid by the service center or the vendor or provider of an ignition interlock device and used to defray the expenses of testing, examining, inspecting, and developing standards concerning service centers or ignition interlock devices. Funds collected under this subdivision shall be deposited in the ignition interlock inspection account established under subsection (c).**
- (6) Review of denial, suspension, or revocation of certification of service centers and ignition interlock device installers and technicians.**
- (7) Hearing procedures for service centers or installers of ignition interlock devices.**
- (8) Appeal procedures for service centers or installers of ignition interlock devices.**

(c) The ignition interlock inspection account is established within the state general fund to defray the expenses of testing, examining, inspecting, and developing standards concerning service centers and ignition interlock devices. The account shall be administered by the Indiana criminal justice institute. The following provisions apply to the account:

- (1) The account consists of:**
 - (A) fees paid by the vendor of an ignition interlock device;**



1 (B) fees paid by the service center; and

2 (C) appropriations made by the general assembly.

3 (2) Money in the account may be spent to defray the expenses
4 of testing, examining, inspecting, and developing standards
5 concerning service centers and ignition interlock devices.

6 (3) The Indiana criminal justice institute shall annually
7 prepare a plan for the expenditure of money in the account.

8 (4) The expenses of administering the account shall be paid
9 from money in the account.

10 (5) The treasurer of state shall invest the money in the account
11 not currently needed to meet the obligations of the account in
12 the same manner as other public money may be invested.
13 Interest that accrues from these investments shall be
14 deposited in the account.

15 (6) Money in the account at the end of a state fiscal year does
16 not revert to the state general fund.

17 SECTION 4. IC 9-30-8-8 IS ADDED TO THE INDIANA CODE
18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
19 1, 2016]: Sec. 8. The bureau and the Indiana criminal justice
20 institute shall enter into a memorandum of understanding to
21 administer this chapter and IC 9-30-6-8(d).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1130, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-30-8-3, AS AMENDED BY P.L.217-2014, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The director of the state department of toxicology, based on the recommendation of the governor's council on impaired and dangerous driving, shall adopt rules under IC 4-22-2 to establish standards and specifications for a certified ignition interlock device. The standards and specifications must require at a minimum that the device meets the following requirements:

- (1) Is accurate.
- (2) Does not impede the safe operation of a vehicle.
- (3) Provides a minimum opportunity to be bypassed.
- (4) Shows evidence of tampering if tampering is attempted.
- (5) Has a label affixed warning a person that tampering with or misusing the device is a crime and may subject that person to criminal and civil penalties.
- (6) Provides the ability to accurately identify the user.

(b) After July 1, 2015, all ignition interlock devices used in Indiana must be certified under rules adopted by the state department of toxicology.

(c) A vendor or provider may submit an application for approval of an ignition interlock device in a form prescribed by the director of the state department of toxicology.

~~(d) The director of the state department of toxicology shall:~~

- ~~(1) have tests conducted concerning the~~ **If testing is required to determine whether an** ignition interlock device **complies** with standards set forth by the state department of toxicology, ~~and~~
- ~~(2) have the results of the tests evaluated by a person or entity designated by the state department of toxicology.~~

~~(e) The tests required under this section the testing~~ must be performed by an independent laboratory designated by the state department of toxicology. The vendor shall pay any testing expenses under this section.

~~(f)~~ **(e)** If the director of the state department of toxicology finds that the ignition interlock device complies with the standards of the state



department of toxicology, the director may approve the ignition interlock device as a certified ignition interlock device.

~~(g)~~ **(f)** The director of the state department of toxicology shall provide periodic reports to the governor's council on impaired and dangerous driving, including, but not limited to:

- (1) the number of ignition interlock devices certified by the state department of toxicology;
- (2) the number of ignition interlock devices currently installed in Indiana; and
- (3) the number of ignition interlock devices rejected by the state department of toxicology.

~~(h)~~ **(g)** The state department of toxicology shall consider all recommendations made by the governor's council on impaired and dangerous driving.

~~(i)~~ **(h)** The governor's council on impaired and dangerous driving shall meet once a year to:

- (1) evaluate reports submitted by the state department of toxicology;
- (2) evaluate and study ignition interlock issues;
- (3) make recommendations to the state department of toxicology; and
- (4) make recommendations to the general assembly in an electronic format under IC 5-14-6."

Page 1, line 3, after "7." insert **"(a) This section applies after June 30, 2017.**

(b)".

Page 1, delete lines 7 through 15.

Page 1, line 16, delete "(7)" and insert **"(3)".**

Page 1, delete line 17.

Page 2, line 1, delete "(9)" and insert **"(4)".**

Page 2, line 2, delete "(10)" and insert **"(5)".**

Page 2, line 4, delete "(11)" and insert **"(6)".**

Page 2, line 5, delete "certification." and insert **"certification of service centers and ignition interlock installers and technicians."**

Page 2, line 6, delete "(12)" and insert **"(7)".**

Page 2, line 6, delete "manufacturers" and insert **"service centers".**

Page 2, line 8, delete "(13)" and insert **"(8)".**



Page 2, line 8, delete "manufacturers" and insert "**service centers**".
 Page 2, line 12, delete "state department of toxicology, the".
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1130 as introduced.)

SOLIDAY

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1130 be amended to read as follows:

Page 3, line 19, delete "bureau," and insert "**bureau and**".
 Page 3, line 19, delete "institute," and insert "**institute**".
 Page 3, line 20, delete "and the state police department".
 Renumber all SECTIONS consecutively.

(Reference is to HB 1130 as printed January 29, 2016.)

WESCO

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1130, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.213-2015, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement,



juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(14) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(15) Administer any sexual offense services.

(16) Administer domestic violence programs.

(17) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(18) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(19) Administer the family violence and victim assistance fund under IC 5-2-6.8.

(20) In conjunction with the division of mental health and addiction, establish the Indiana technical assistance center for crisis intervention teams under IC 5-2-21.2.

(21) Monitor and evaluate criminal code reform under IC 5-2-6-24.

(22) Administer the enhanced enforcement drug mitigation area fund and pilot program established under IC 5-2-11.5.



(23) Administer the ignition interlock inspection account established under IC 9-30-8-7."

Page 3, line 5, after "interlock" insert **"device"**.

Page 3, line 8, delete "for the use of the" and insert **"with respect to"**.

Page 3, line 9, after "program." insert **"Fees described in this subdivision shall be paid by the vendor or provider of an ignition interlock device and used to defray the expenses of testing, examining, inspecting, and developing standards concerning ignition interlock devices. Funds collected under this subdivision shall be deposited in the ignition interlock inspection account established under subsection (c)."**

Page 3, line 11, after "interlock" insert **"device"**.

Page 3, between lines 16 and 17, begin a new paragraph and insert:

"(c) The ignition interlock inspection account is established within the state general fund to defray the expenses of testing, examining, inspecting, and developing standards concerning ignition interlock devices. The account shall be administered by the Indiana criminal justice institute. The following provisions apply to the account:

(1) The account consists of:

(A) fees paid by the vendor of an ignition interlock device; and

(B) appropriations made by the general assembly.

(2) Money in the account may be spent to defray the expenses of testing, examining, inspecting, and developing standards concerning ignition interlock devices.

(3) The Indiana criminal justice institute shall annually prepare a plan for the expenditure of money in the account.

(4) The expenses of administering the account shall be paid from money in the account.

(5) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.



(6) Money in the account at the end of a state fiscal year does not revert to the state general fund."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1130 as reprinted February 3, 2016.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1130 be amended to read as follows:

Page 4, line 19, after "to" insert "**service centers and**".

Page 4, line 21, after "the" insert "**service center or the**".

Page 4, line 24, after "concerning" insert "**service centers or**".

Page 4, line 36, after "concerning" insert "**service centers and**".

Page 4, delete lines 40 through 42, begin a new line block indented and insert:

"(1) The account consists of:

(A) fees paid by the vendor of an ignition interlock device;

(B) fees paid by the service center; and

(C) appropriations made by the general assembly."

Page 5, delete line 1.

Page 5, line 4, after "concerning" insert "**service centers and**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1130 as printed February 19, 2016.)

KRUSE

